IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5666 of 1998

Between:

M/s. Karuna Feeds rep. by Transport Manager, G. Krishnappa
Nadajana (V), Varuna Hobli, Mysore Tq. & Dist.
Karnataka State

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise A.P., Hyderabad
2 The Prohibition & Excise Superintendent Chittoor, Chittoor Dist.
3 The Sub- Divisional Prohibition & Excise Officer Srikalahasthi,
Chittoor Dist.
4 Sudalagunta Sugars Ltd., rep. by General Manager
209, T.P. Area, Tirupathi

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, direction or a writ particularly one in the nature of Writ of Mandamus declaring that the demand of Administrative Charges at the rate of 25/- per Metric Tonne or Molassess purchased and transported from A.P. to Karnataka State and insistence on taking an Escort with each tanker lorry transporting Molassess by the petitioner are illegal and without jurisdiction apart from being voilative of Art. 19(1)(g) of Constitution of India

Counsel for the Petitioner: MR.KOKA RAGHAVA RAO

Counsel for the Respondents: None appeared

The Court made the following :

ORDER:

It is represented by the learned counsel for the petitioner that the subject matter in this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held. –

> "In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.
>
> Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed".

Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

_____

N.V. RAMANA, J

Date: 04-03-2005

Svv

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the Fourth day of March, Two thousand and Five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Prohibition & Excise A.P., Hyderabad
2 The Prohibition & Excise Superintendent Chittoor, Chittoor Dist.
3 The Sub- Divisional Prohibition & Excise Officer Srikalahasthi, Chittoor Dist.
4 The General Manager, Sudalagunta Sugars Ltd., 209, T.P. Area, Tirupathi

5 Two CD copies

*Form-NIC-OGS/WP{**BMD**}*